

26684-1020

DECLARATION AND POWER OF ATTORNEY

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled ELECTROSURGICAL BIOPSY DEVICE AND METHOD, the specification of which was filed on September 23, 1998, and assigned Serial No. 09/159,467, and which is a continuation in part of US Patent Application Serial No. 09/057,303 which was filed on April 3, 1998 which is as Non-Provisional of US Provisional Patent Application Serial No. 60/076,973 which was filed March 3, 1998.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by or any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) None

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Serial No. 60/076,973

Filing Date: March 3, 1998

Serial No. 09/057,303

Filing Date: April 3, 1998

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine

or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

WILLIAM B. ANDERSON, Registration No. 41,585
COLENE E. HARTMAN BLANK, Registration No. 41,056
VICTORIA L. BOYD, Registration No. 43,510
Y. PING CHOW, Registration No. 30,740
ROBERT F. DENNIS, Registration No. 40,988
DEREK P. FREYBERG, Registration No. 29,250
ALICIA HAGER, Registration No. 44,140
WALTER KURZ, Registration No. 37,373
EDWARD J. LYNCH, Registration No. 24,422
PRISCILLA H. MARK, Registration No. 41,970
WILLIAM SCHMONSEES, Registration No. 31,798
HERWIG von MORZE, Registration No. 29,484
SOODABEH TRONSON, Registration No. 29,484

of the firm

Heller Ehrman White & McAuliffe
525 University Avenue
Palo Alto, CA 94301-1900
Telephone: (650) 324-7000

and

GEORGE M. COOPER, Registration No. 20,201
ERIC S. SPECTOR, Registration No. 22,485
FELIX J. D'AMBROSIO, Registration No. 25,721
DOUGLAS R. HANSCOM, Registration No. 25,600
JIM W. HELLWEGE, Registration No. 28,808
WILLIAM A. BLAKE, Registration No. 30,548
COLIN D. BARNITZ, Registration No. 35,061

of the firm:

Jones Tullar & Cooper, P.C.
2001 Jefferson Davis Highway
Box 2266, EADS Station
Arlington, VA 22202
Telephone: (703) 415-1500

Direct all correspondence to:

Edward J. Lynch
Hell r Ehrman White & McAuliff LLP
525 University Avenue
Palo Alto, CA 94301-1900
Tel. No.: (650) 324-7000
Direct Dial: (650) 324-7098
Facsimile: (650) 324-0838

Full name of First Joint Inventor: Fred H. Burbank

Executed on 2nd day of June, 2000.

Inventor's Signature:

Residence:

Citizenship:

Post Office Address:

Fred H. Burbank
30982 Steeplechase Drive
San Juan Capistrano, California 92675
United States
(same as above)

Full name of Second Joint Inventor: Paul Lubock

Executed on 2nd day of JUNE, 2000.

Inventor's Signature:

Residence:

Citizenship:

Post Office Address:

Paul Lubock
30 Bethany
Laguna Niguel, California 92677
United States
(same as above)

Full name of Third Joint Inventor: Michael L. Jones

Executed on 2nd day of June, 2000.

Inventor's Signature:

Residence:

Citizenship:

Post Office Address:

Michael L. Jones
34441 Camino El Molino
Capistrano Beach, California 92624
United States
(same as above)

Full name of Fourth Joint Inventor: Richard L. Quick

Executed on 2nd day of JUNE, 2000.

Inventor's Signature:

Residence:

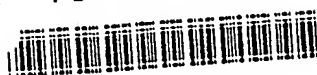
Citizenship:

Post Office Address:

Richard L. Quick
~~32181 Fall River Road~~ 22970 BOUQUET CANYON
~~Trabuco Canyon, California 92679~~ MISSION VIEJO, CA
United States 92692
(same as above)

227562 v01.PA (4VL6011.DOC)
5/23/00 4:47 PM (26684.1020)

10-06-1998



100844591

REGISTER

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Tab settings >>> ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Fred H. BURBANK, Paul LUBOCK,
Michael L. JONES, and Richard L. QUICK

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: September 23, 1998

2. Name and address of receiving party(ies)

Name: SenoRx, Inc.

Internal Address: 13677 Alton Parkway
Suite 144

Irvine, California 92618

Street Address: 13677 Alton Parkway
Suite 144

City: Irvine State: CA ZIP: 92618

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

09/159,467

If this document is being filed together with a new application, the execution date of the application is: September 23, 1998

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Howard J. Klein

Name: Klein & Szekeres, LLP

Internal Address: 4199 Campus Drive
Suite 700

Irvine, CA 92612

Street Address: 4199 Campus Drive
Suite 700

City: Irvine State: CA ZIP: 92612

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

- ☒ Enclosed (included in filing fee check)
☐ Authorized to be charged to deposit account

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Howard J. Klein, Reg.#: 28,727

Name of Person Signing

Signature

Total number of pages including cover sheet, attachments, and document: 5

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

09/29/98 WASHINGTON 0000064 09159467 40.00 04 FC1581

Date

Sept 23, 1998

ASSIGNMENT

WHEREAS, Fred H. BURBANK, Paul LUBOCK, Michael L. JONES and Richard L. QUICK, all Citizens of the United States of America, residing at 30982 Steeplechase drive, San Juan Capistrano, California 92675; 30 Bethany, Laguna Niguel, California 92677; 34441 Camino El Molino, Capistrano Beach, California 92624; and 32181 Fall River Road, Trabuco Canyon, California 92679, United States of America, respectively (hereinafter referred to as **ASSIGNORS**), has invented and own a certain invention entitled: **ELECTROSURGICAL BIOPSY DEVICE AND METHOD** for which application for Letters Patent of the United States was executed on even date herewith.

WHEREAS, SenoRx Inc., a Delaware corporation, having a place of business at 13677 Alton Parkway, Suite 144, Irvine, California 92618, United States of America (hereinafter referred to as **ASSIGNEE**), is desirous of acquiring the entire interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefore in the United States and in any and all foreign countries.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that in consideration of the payment by **ASSIGNEE** to **ASSIGNORS** of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, **ASSIGNORS** hereby sell, assign and transfer to **ASSIGNEE** the full and exclusive right, title and interest to said invention in the United States and its territorial possessions and in the foreign countries and to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any continuation, continuation-in-part, division, renewal, substitute or reissue thereof or any legal equivalent thereof in any foreign country for the full term or terms for which the same may be granted, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said invention in any country or countries foreign to the United States, and all Letters Patent which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals, and reissues thereof; and **ASSIGNORS** hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said invention to **ASSIGNEE**.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale;

ASSIGNORS further covenant that **ASSIGNEE** will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in foreign countries as may be

known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof in the United States of America and in any foreign country which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I have hereunto set hand and seal this 23rd day of September 1998.

Fred H. Burbank

Fred H. Burbank

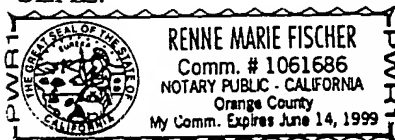
State of California)
) ss.:
County of Orange)

On this 23rd day of September, 1998, before me, Renne Marie Fischer, a Notary Public in and for the State and County aforesaid, personally appeared Fred H. Burbank, ~~/~~ personally known to me, or ☒ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal:

Renne Marie Fischer
Notary Public

SEAL:



the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal:



Renne Marie Fischer
Notary Public

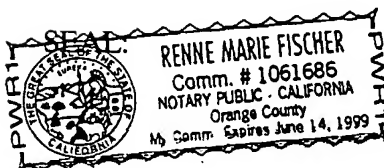
IN WITNESS WHEREOF, I have hereunto set hand and seal this 23rd day of September 1998.

Richard L. Quick
Richard L. Quick

State of California)
) ss.:
County of Orange)

On this 23rd day of September, 1998, before me, Renne Marie Fischer, a Notary Public in and for the State and County aforesaid, personally appeared Richard L. Quick, ~~personally known to me; or~~ ☒ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal:



Renne Marie Fischer
Notary Public